

RECEIVED
FEDERAL ELECTION
COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

703 FEB 23 11 04 AM

**IN THE MATTER OF CLUB FOR GROWTH
and REPRESENTATIVE PATRICK TOOMEY**

AFFIDAVIT

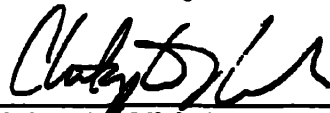
MUR # 5415

**COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF DAUPHIN)**

ss

Christopher Nicholas, being duly sworn according to law, hereby deposes and says as follows:

1. I am Campaign Manager for Citizens for Arlen Specter, Inc. and that in this capacity I have knowledge of the facts set forth herein.
2. I am authorized to make this verification on behalf of Citizens for Arlen Specter, Inc.
3. The facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief.
4. I make these statements subject to the penalties of 18 U.S.C.S. §1001.


Christopher Nicholas

Subscribed and sworn to before
me this 20th day of February, 2004.


Notary Public, Commonwealth of Pennsylvania

Notarial Seal
Carol K. Moyer, Notary Public
City of Harrisburg, Dauphin County
My Commission Expires Feb. 17, 2008
Member, Pennsylvania Association Of Notaries

28044221934

BEFORE THE FEDERAL ELECTION COMMISSION

**IN THE MATTER OF CLUB FOR GROWTH
and REPRESENTATIVE PATRICK TOOMEY**

COMPLAINT

Pursuant to the Federal Election Campaign Act of 1971, as amended, Title 2 §431, *et seq.*, (the "Act"), Citizens for Arlen Specter, Inc. comes before the Federal Election Commission and as its Complaint states as follows:

1. Citizens for Arlen Specter, Inc. is a Pennsylvania non-stock, not-for-profit corporation which serves as the authorized political committee for the reelection of Senator Arlen Specter ("Senator Specter").
2. The Club for Growth ("Club for Growth") bills itself as a national membership organization supporting candidates who are advocates of limited government and lower taxes. The Club for Growth's offices are located at 1776 K Street, Suite 300, Washington, D.C. 20006.
3. Representative Patrick Toomey ("Toomey") currently represents the 15th Congressional District of Pennsylvania in the United States House of Representatives. Toomey is also a primary candidate for the United States Senate and, as such, is a candidate for Federal office within §431 of the Act.
4. The Club for Growth runs a political committee which collects and expends money to advocate the election of Toomey and the defeat of Senator Specter.
5. Specifically, in the late summer of 2003 the Club for Growth, through its President Stephen Moore, unequivocally stated in an interview conducted by *The*


***New York Times*, that "unseating Specter" was a "top priority" and that he wanted to beat Senator Specter because having "a major scalp on the wall" would make the Club for Growth more intimidating to other Republicans. A copy of this article is attached as Exhibit 1.**

- 6. In at least one other interview, Moore described Toomey's challenge to Senator Specter as the "most important Senate election in the nation in 2004." See May 15, 2003 article attached as Exhibit 2.**
- 7. Consistent with the goal of defeating Senator Specter, the Club for Growth has confirmed that it is putting more money behind Toomey than any other candidate. See article attached as Exhibit 3.**
- 8. As of January 6, 2004, the Club for Growth had already spent \$650,000 on "pro-Toomey" ads, and had plans to spend more than twice that amount to oppose Senator Specter's reelection in the April 27 primary. *Id.***
- 9. Expenditures by the Club for Growth include monies spent to sponsor television ads advocating the defeat of Senator Specter in the Scranton/Wilkes-Barre, Johnstown/Altoona, Philadelphia, Harrisburg and Pittsburgh media markets. These ads began running on February 12, 2004 and are running in media outlets where Toomey's campaign stopped running similar ads that same week, despite Toomey's January 7 statement that his ad campaign would run through the primary election. According to the Club for Growth website, it has budgeted \$150,000 for this phase of the ad campaign. See Exhibit 4.**
- 10. The Club for Growth ads are and were directed to voters in a jurisdiction in which both Senator Specter and Toomey appear on the primary election ballot.**

- 28044221937
11. The parallelism of the Club for Growth's and Toomey's media buying, coupled with the fact that the Club for Growth and Toomey have engaged many of the same media consultants over the course of the last year, supports the conclusion that Toomey, his committee and/or his agent were materially involved in decisions regarding the specific media outlets used for the Club for Growth ads, the timing of these ads, and the duration of communications through these outlets.
 12. Because the Club for Growth is acting in concert with Toomey, and Toomey and the Club for Growth are coordinating their expenditures, the Club for Growth's payments for media and other pro-Toomey efforts constitute in-kind contributions to Toomey.
 13. The contributions by the Club for Growth exceed the limitations on contributions and expenditures set forth in the Act.

WHEREFORE, Citizens for Arlen Specter, Inc. request that the Federal Election Commission require the Club for Group to cease and desist making contributions to the campaign of Patrick Toomey and that it initiate an action against the Club for Growth and Representative Patrick Toomey for violations of the Federal Election Campaign Act of 1971, as amended, Title 2 §431, *et seq.*

DATED: February 20, 2004



Christopher Nicholas
Campaign Manager
Citizens for Arlen Specter, Inc.
600 N. 2nd Street, Suite 400,
Harrisburg, PA 17101

EXHIBIT 1

28044221938

The New York Times Magazine / AUGUST 16, 2003

Fight Club

The fervent supply-sider Stephen Moore and his Club for Growth say that President Bush's tax cuts were hardly enough. They are threatening to take down a Republican senator or two to prove it. **By Matt Bai**

“

I always say politicians are cowards, and they really are,” Stephen Moore told me recently. “We say we’re going to run someone against them, and they start waving their hands.”

Moore, the president of a group of ardent economic conservatives known as the Club for Growth, was talking about Arlen Specter, a giant of the United States Senate and the only Republican moderate in the Senate leadership. Specter is running for a fifth term next year in Pennsylvania, but he now finds himself facing an unexpected, potentially serious primary challenge from the party’s right flank. That challenge, from a brash conservative congressman from industrial Allegheny named Patrick Toomey, is being engineered by the Club for Growth, whose 10,000 members, most of them gay-owned bankers and businessmen, seem to be on a mission to banish wimps from the earth. Moore has vowed revenge on Republican incumbents who don’t worship at his altar—he calls them “Republicans in Name Only,” or “Rinos”—and unseating Specter, he says, is his top priority.

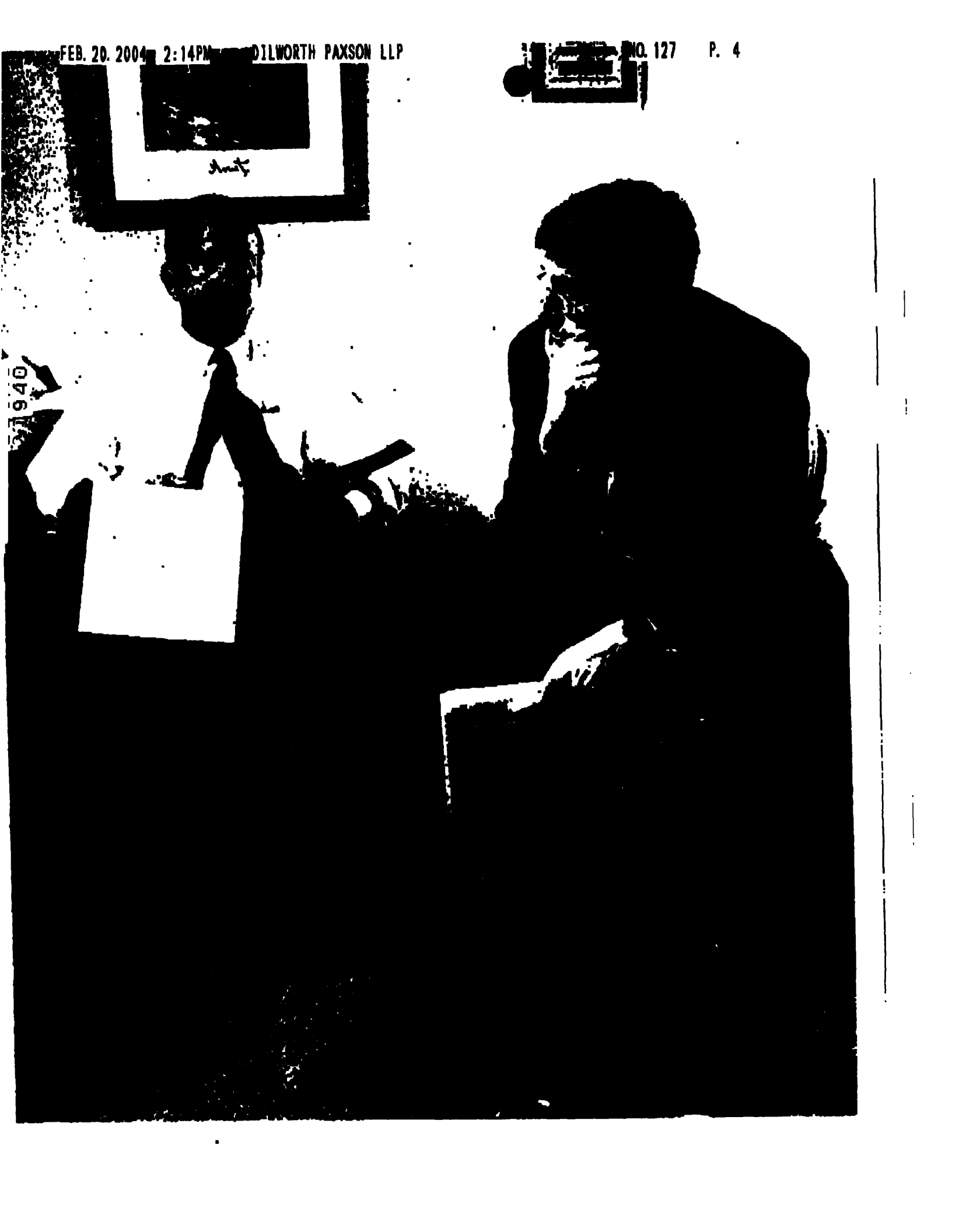
Although Specter is a powerful committee chairman and can count on the strong support of the White House, he is clearly anxious he is already spending much of his time shaking hands back in Pennsylvania, and he has called some members of the club himself to plead his case. A few months ago, Specter even invited Moore over to his Capitol office for a chat. A nervous politician, Specter gave it all the charm he could muster, graciously showing Moore his trove of family photos before launching into a defense of his voting record, which, he rightly pointed out, is broadly more conservative than Toomey’s; according to *National Journal*’s ratings, Specter is, after all, the man who got Clarence Thomas confirmed, and he has long supported the balanced-budget amendment and, for that matter, the flat tax.

To Specter’s astonishment, however, Moore, a nerdy 43-year-old economist with an affable, self-mocking laugh, didn’t seem to care much about Specter’s record. It was simple, Moore said: even though Specter eventually voted for President Bush’s \$1.3 trillion tax cut, Moore could not forgive him for first voting to trim the president’s original, bigger tax-cut proposal by \$250 billion so that the money could be spent on education.

For his part, Specter came away from his meeting with Moore feeling somewhat bewildered by what was happening

Stephen Moore, right, and one of the 10,000 members of the Club for Growth. Photographs by Brian Finke

28044221939



940

inside his own party. He took note when Moore later told a reporter that he wanted to hear Specter because he was "a major only on the wall" would make the Club for Growth more interesting to other Republicans. (Moore said the same thing to me when I quoted him in his office, mentioning in a spot near his desk, as if Specter's name might actually hang there someday.) "I have been in public life since I became an assistant D.A. in 1989," Specter told me. "And I've never heard talk like that."

Outside of Washington, only Stephen Moore's relatives have overheard of him — and even some of them would probably have to think on it a while. But in this on-line campaign finance report, as the disappearing dimensions of the two parties diminish, it's the people you've never heard of who will change the course of politics, and Moore seems bent on taking a hammer to George W. Bush's carefully engineered majority party. Last spring, Moore attacked two Republican senators who were making the latest tax cut: George Voinovich of Ohio and Olympia Snowe of Maine. He ran ads in each of their states in which he compared them with the French president, Jacques Chirac. That was too much for Karl Rove, the president's political enforcer, who called the ads "racist" and "conspiracy-driven."

Moore was unrepentant. "Whether I'm pale with Karl Rove is not really of interest to me, so I'm sorry with you," he told me.

This kind of open rebellion is unheard of in Bush's Washington, where party loyalty goes hand-in-hand with moral rectitude, and where Republicans generally speak with a kind of bland, Orwellian unanimity. The criticism is especially surprising since it comes from outside the party's economic fringe, or what looks for all the world like their moment of triumph, having just won the largest tax break since Reagan. You could understand if religious conservatives were the ones agitating, given their disquiet over the recent Supreme Court decision on affirmative action and gay rights. But what could the radical supply-siders possibly have to complain about?

BACK IN THE early 1980's, a group of about 30 wealthy money managers in Manhattan, all of them Reagan-loving, tea-bagging conservatives, began holding a monthly political meeting that they fashioned as a venture-capital model. The "investors" would invite a political candidate running for state or national office in to explain why he or she would be a strong fiscal conservative, and if they liked what they heard, they would write checks on the spot. Barely coming within the obvious half-pampered John, they called themselves the Political Club for Growth.

As years passed, however, the club's members began to see that candidates would say anything to get a pile of checks, only to ignore their promises to the club once they got elected.

Max Baer is a contributing writer for the magazine.

ed. The supply-siders needed a new approach.

One of the club's regular attendees was Stephen Moore. He wasn't rich, but as a scholar at the Heritage Foundation and a former Republican aide on Capitol Hill, he was considered an expert on the federal budget. Moore was intrigued by the success of *Bush's List*, a pro-choice group that had developed serious clout among Democrats by helping female candidates in primaries, where a relatively small amount of money could have a large impact. *Bush's List* earned power by "bundling" individual donations and passing them on to selected campaigns. In 1994, Moore persuaded his wealthy backers — they included the philanthropic and former Richard Gilder and Thomas L. Rhodes, president of The National Review — to let him remake the Club for Growth in the same mold.

The club's agenda hasn't changed much since those formative days of the Reagan administration. Like all good supply-siders, Moore and his members hold that the best way to restore economic prosperity is for government to drastically reduce the amount of money it collects from its citizens. This position, as many history buffs have a tendency to create budget deficits, but the supply-siders say that's all right, because deficits force government to scale back spending on inefficient programs.

"Growth is the answer to all our problems," Moore told me over lunch at Morton's, a favorite Republican hangout. "Poverty, income inequality, crime — all of these things can be alleviated through rapid income growth."

For a guy who talks like a professor, Moore has proved himself to be a talented and ruthless self-promoter, establishing the Club for Growth as an indispensable presence in Washington. Moore has interwoven in open primaries to help elect several current congressmen — Patrick Toomey among them — who are now fiercely loyal to his agenda. His close relationship with these congressmen and a handful of senators has, in turn, enhanced his power on the Hill. He's a regular visitor in the office of Tom DeLay, the Republican house majority leader, whose political action committee has also contributed heavily to the club.

Republicans who dislike the Club for Growth are quick to point out that for all Moore's cherry threats, the club has yet to actually have an incumbent, and its overall win-loss record is decidedly mixed. "At the end of the day these guys have more dollars than political sense" is the way Scott Reed, a Republican strategist, put it.

In politics, however, there are times when the facts aren't as relevant as the perception. The club may not, as yet, have won any Republican, but the looming certainty that it could — and will go to any length to succeed — terrifies vulnerable incumbents. A few years ago, it would have been unthinkable for moderates in both parties to talk of a \$350 billion tax cut as a

title of deficit spending as a "disaster," and yet that is precisely what just happened in Washington. Moore's tactics have helped tilt the terms of debate in the Capitol.

DURING THE 2002 campaign cycle, in addition to spending several million dollars on polling and ads, the Club for Growth collected at least \$3.2 million in "bundled" checks for its chosen candidates, according to the Center for Responsive Politics. One of the lucky recipients was David Fischer, a Maryland lawyer the club backed in an unsuccessful bid to unseat Congressman Wayne Givens. Fischer described to me how the club sent him about \$225,000, roughly three-quarters of the total cash donated to his campaign.

"I felt like one of those congressmen back in Alabama, when they used to get those packages of money," Fischer told me. "We were talking in 25 or 30 grand a day."

To be the mayor of the Club for Growth is a different experience altogether. Just ask Sherwood Boehlert, an 11-term moderate congressman from New York who was singled out by the club last year and barely survived. "What we didn't see coming was the last 10-day onslaught of money, newspaper and mailings," Boehlert says. "And those mailings — if I believed that about a candidate, I wouldn't have voted for me either."

Like some other Republicans at whom the club has taken aim, Boehlert isn't really sure why. He voted for both Bush tax cuts, along with rollbacks of the marriage tax and the estate tax. When I mentioned this to Moore, he was unmoved. "He's been one of the most liberal Republicans in the House," Moore said, adding that conservatives consider Boehlert to be a big spender.

"We're not only about tax cuts," Moore reminded me, and it's true: the club claims to judge candidates not just by their commitment to tax cuts, but also by their determination to rein in government waste. (The club is "agnostic" on social issues, it says, as long as Moore has banned "the A word" — abortion — from its meetings.)

But for an organization that claims to be so ideologically pure, the club doesn't always apply those principles consistently. As Moore readily admits, spending has swayed him a view in Washington under Bush and the Republican Congress, but while the club gleefully goes after Boehlert and other moderates on taxes, it has yet to take aim at a single conservative for going soft on spending. Sometimes, in fact, the club isn't at all concerned with a candidate's fiscal ideology — like, for instance, when that candidate's name is Arnold Schwarzenegger. Earlier this summer, Moore held an event with the Terminator as he considered entering the California governor's race on the recall ballot. A few weeks later, at a staff meeting, Moore and his deputies discussed the actor's potential candidacy.

"Where is he on policy?" one staff member wanted to know.

Aren't politicians loathsome? Moore asked me once with a pained expression, as if we were discussing head lice.

Moore at his desk: "They think we're replacing the party, and that is our goal."

"Oh, he's terrible," Moore said. "Horrible. He says he's a fiscal conservative, but..." He trailed off in laughter. If Schwarzenegger would just agree to back a flat-tax proposal and to rule out any new taxes, Moore said, the club would get behind him anyway.

This kind of incoherence — "hypocrisy" would be the last charitable word — has led critics of the club to conclude, not unreasonably, that its talk about cutting taxes and slashing spending obscures a less lofty agenda. Moore wants that soap on his wall, and the easiest way to get it is to single out moderate like Specter and Boehner, because moderates are always vulnerable in Republican primaries.

"They go after the low-hanging fruit," says Sarah Chamberlain Rasmick, who runs the Republican Main Street Partnership. Rasmick's group, a coalition of Republican moderates, is vowing to raise at least \$5 million to fight Moore in critical states next year — which suggests, incredibly, that a president poised for reelection could instead find his party drawn into civil war.

THE BUSH WHITE HOUSE has created such an aura of discipline that Republicans in Washington often behave as if their offices are bugged, faithfully mousing the message of the day. And so the most intriguing question about the Club for Growth, one that divides Republicans in Washington: is whether Moore is the part that the nomination jolt can't seem to excise, or actually a secret ally of the White House. Put another way, if Karl Rove is really so angry at Moore's antics, why does the club still exist?

For much of the first two years of the administration, Moore was part of the right-wing cabal that administration officials would counsel on a regular basis. But Moore proved himself disloyal by publicly criticizing Bush and opposing some of his appointments. "I don't really like the Bush people very much," Moore says. "I was never part of a fraternity or anything like that, and the Bush White House is like a club."

Rove has good reason to wish the Club for Growth would go away. It will be hard to achieve

his goal of expanding the G.O.P.'s margin in the House and Senate if Republicans face divisive primary fights in critical swing states. It's not surprising, then, that Rove and his deputies have called some of Moore's backers to complain about the club's tactics. And Rove has made it clear that the White House intends to provide Specter with the muscle he needs to fend off Tocquey's challenge.

At the same time, however, the club serves a useful purpose for the Bush administration by driving vulnerable moderates into the warm embrace of the White House. This makes it much easier for the administration to make deals on the Hill. Think about it: if you're a moderate congressman, you might be inclined to vote against the latest Bush tax cut. But then here's Dave Moore, announcing that he won't run until you're retired and watching clips at a community college. You have a choice: you can either vote against the tax cut and take on a club-backed opponent all by yourself, or you can put a deal with Rove, who will stand in the president's campaign for you, as long as you give him your vote on the tax cut. In this Machiavellian way, the club is the perfect foil for the White House, creating leverage where it might otherwise not exist.

The one thing Rove won't tolerate, apparently, is Moore's taking credit for the president's legislative victories. I sent Rove an e-mail message with several questions regarding the Club for Growth. He ignored every question except one — when I asked if the Club for Growth had, in fact, helped secure Senator Voivodich's vote on the tax cut with its vicious ad campaign, as Moore said it did. "The ads were completely ineffective," Rove wrote back, "and what won Voivodich's support was the constant lobbying and cajoling of his Senate colleagues, his Ohio constituents and the president of the United States."

ON ANY GIVEN DAY in the Club for Growth's K Street office, another nearly dressed, little-known Republican congressional candidate may come traipsing through to beseech Moore for his support. These meetings often have the feel of job interviews, with the eager candidate sunk into a beaten office chair while Moore, seated at his paper-strewn desk, flips lazily through the applicant's résumé.

The first time I visited the offices of the Club for Growth, in June, Moore was just wrapping up a conversation with Virginia Fox, a married mom senator from North Carolina who is now running for a seat in Congress.

"Is it Fox with two x's?" Moore asked absently. The candidate nodded and pointed to her two earnings — an x in each ear.

"Now, someone called me this past week and said all this stuff about you voting for all these tax increases," Moore said.

"No, no," Fox replied quickly, shaking her head. "It was just that one I told you about already. The occupancy tax."

"For sure?"

"Yes, yes," Fox assured him. She left with a check for \$1,000 but no guarantee of support.

That candidate was willing to endure Moore's obvious contempt for them — "Aren't politicians loathsome?" he asked me once with a pained expression, as if we were discussing head lice — indicates that Moore is becoming something of a kingmaker inside the party. And this, ultimately, is what the Club for Growth is about: to be the informal group that controls Republican politics.

"The only group that has been jealous of us — I don't know if 'jealous' is the right word, or maybe 'resentful' — is the party itself," Moore said. "They think we're replacing the party, and that is our goal. We want to take over the party's fund-raising. We want it to be, in 10 years, that no one can win a Senate or a House seat without the support of the Club for Growth."

It may sound Napoleonic, this business about taking over the nation's dominant party, but it might not be as delusional as it sounds. Moore understands, shrewdly, that the old order of political power is fast eroding. Party loyalty has been declining for years, and voter turnout remains abysmally low, meaning that elections increasingly revolve around the kind of single-issue voters that give interest groups their power. And under the new McCain-Pingold campaign finance law, the two parties can no longer spend unlimited amounts of soft money, which takes away their chief fund-raising advantage over outside groups like Moore's.

While it's pretty unlikely that the Club for Growth will be running Republican politics anytime soon, it's not a stretch to suggest that in 10 years it will be one of several groups, each with its own extensive agenda, that will dominate the business of campaigns.

To that end, Moore keeps looking for the one big score. On the day he met with Fox, Moore gladly waved a rubber-headed stack of envelopes at me. It was the week's accumulation of checks for Tocquey, soon to be sent over to his campaign in a Federal Express envelope. "This will show all our records," Moore said. It's a long way to next year's election, and despite the club's best efforts, most political experts think Arlen Specter will emerge with his Senate seat. Sooner or later, though, Moore will most likely have somebody's scalp hanging on that wall. ■

EXHIBIT 2

28044221943

Toomey takes on the establishment

George Will (archive)

May 15, 2003 | [Print](#) | [Email](#)

WASHINGTON—Like many members of the House of Representatives, Pat Toomey, a 41-year-old Pennsylvania Republican, hankers to move to the chamber on the other side of the Capitol. But he has a wee problem. Pennsylvania already has two Republican senators. Rick Santorum, 45, is a rising star—he is chairman of the Senate Republican Conference, the third-highest leadership post—midway through his second term. The other Republican senator is Arlen Specter, 73, who next year will seek his fifth term.

Toomey, who term-limited himself by pledging to serve only three terms and who is in his third, says, with sincere serenity, he will defeat Specter in next year's Republican primary and then will hold the seat for the party. The political servants in the White House may think that Toomey's plan, although undoubtedly stimulating, is something they could do without. Which is why Andrew Card, chief of staff of a White House that is not bashful about intervening in candidate-selection processes, appeared at a luncheon that raised about \$100,000 for Specter—in Toomey's district.

The president's people, remembering the 36-day tussle for Florida's electoral votes, would rather not do without Pennsylvania's 21 next year. George W. Bush lost the state in 2000, in spite of his ardent wooing of Pennsylvanians, assisted by their popular Republican governor, Tom Ridge.

Today Pennsylvania has a Democratic governor, Ed Rendell, a pugnacious former mayor of Philadelphia and former chairman of the Democratic National Committee. Bush has visited Pennsylvania 18 times as president, evidence that he thinks carrying the state next year will be difficult enough without Republicans being divided by a Senate primary fight.

Toomey, unshakably sanguine, says, essentially: Piffle. Pennsylvania, he insists, is a "swing state" but trending Republican, and his candidacy will help the entire ticket because he, unlike Specter, is a full-throated, tax-cutting, government-limiting Republican. Toomey says his voting

ALERT

MEETUP

Conservatives are organizing in your city to fight the liberal agenda. Join them.

Contribute
TAKE A STAND FOR CONSERVATION

Today's Opinion

How Ten as rated by you

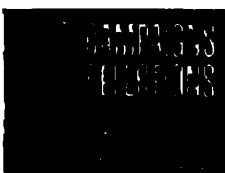
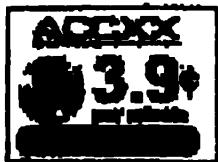
Friday

Rich Lowry NEWS
Harry M. Vietnam vets
Charles Krauthammer
No more 9/11's
Jeff Jacoby
John Kerry's shifting stands
David Limbaugh
Kerry's troubling
consistency
Oliver North
Saddam's oil
Hanan Charen
The Kerry moment
Joseph Goldberg
Social preferences may
harder than agency policies
In college admissions
Chuck Colson
Who killed Jesus?
Clifford B. May
A Cure for the Chast?
Brian S. Chilton
Should Corporate America
Be Taken Over by the
Federal Courts?
Edwin S. Fowler
Checking out the Patriot
Act
Halle Berry
Those darn states, BTW

Home
Calendar
Web Log
Check Us
What's New
Sections
Today's Issues
Opinion
People/Editorial Board
Right Pages

- ▶ About Us
- ▶ Our Members
- ▶ Newsletters
- ▶ Calendar
- ▶ Hall of Fame
- ▶ Radio
- ▶ Job/Internships
- ▶ Contact Congress
- ▶ Historical Docs

— Advertisements —



Townhall.com
214 Massachusetts Ave NE
Washington, DC 20002
202-698-8080
Fax 202-644-7330
Email us

28044221944

Toomey notes that Specter has had primary challenges in each of his last two races and, although none of the challengers were well-funded or taken seriously, Specter lost about one-third of the vote. That, says Toomey, means that one-third of the vote in a Republican primary—a closed primary; only Republicans can participate—will vote for anyone against Specter.

Republican activists have—as their party's symbol, the elephant, supposedly does—long memories. They remember that Specter was one of only six Republican senators to vote in 1987 against confirming Ronald Reagan's nomination of Robert Bork to the Supreme Court.

Toomey says, "We've got three parties in Congress—Republicans, Democrats and Appropriators." When Toomey first ran for Congress, he criticized his opponent, a state legislator, for opposing repeal of taxes on toothpaste and dental floss. All this is music to the ears of Steve Moore, president of the Club for Growth, which supports fiscally conservative Republicans against Republicans it considers markedly less so. Moore calls Toomey's challenge to Specter "the most important Senate election in the nation in 2004."

In his announcement of his Senate campaign, Toomey showed that "kinder" and "gentler" are not his bywords. He used both the L-word (referring to Specter's "liberal vision") and the K-word (he said Specter had "joined Ted Kennedy" in sponsoring a bill to permit experimental human cloning). Toomey charged that in 1986 and 1987 Specter opposed President Reagan's positions "more than any other Republican senator" and that "Specter has opposed President Bush more than all but two Republican senators." The two, according to Toomey's staff, are Lincoln Chafee of Rhode Island and Olympia Snowe of Maine.

But Michael Barone, author of *The Almanac of American Politics*, says Specter has been "one of the nation's most durable career politicians" since being elected district attorney in Democratic Philadelphia in 1965. And Specter's record is more mixed than Toomey's portrayal of it. Barone writes, "More than anyone else, he defeated Robert Bork in 1987 and, more than anyone else but (then Sen.) John Danforth, he secured the confirmation of Clarence Thomas in 1991. In 1994 his devastatingly complex chart describing the Clinton health care plan played no small part in defeating it."

Toomey notes that Rendell, who got his first job after law school from Specter, and appeared in an ad for Specter in 1998, may not encourage a strong Democratic challenger. But such a plan could backfire if, as Toomey insists, the Democratic nominee will not be running against Specter. This internecine scrap, in a state Al Gore carried by four points, could affect next year's presidential drama.



Join
over 22,000
Conservatives

Organize.
Fight back.
Be heard.

www.conservative.com

BOOKS BY OUR
COLUMNISTS
AMERICAN

28044221945

George Will's biography



ON SALE NOW! George Will's latest!
With a Happy Eye, But:

America and the World, 1997-2002

In the latest collection of his writings, Will describes contemporary Americans as "naïve optimists." He opines on the inevitability of war, the necessity of the death penalty, the need for the military to remedy moral values, the fundamental flaws of a liberal intelligentsia "too short on certitude," and his impatience with a society "too squeamish to call evil by its right name."

Buy from Amazon.com



SEND TO A FRIEND

Want to take action about what you have just read?

Then write a letter to your Members of Congress or your local newspapers, who you can find by entering your ZIP code in the boxes below. Also make sure to tell your newspaper editors that they should carry your favorite conservative columnists!

NOTE: Columns will not be automatically attached to the emails you send through this tool.

Write to Congress

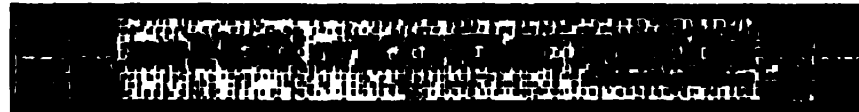
Enter ZIP Code

Find Your Reps

Letter to the Editor

Enter ZIP Code

Copyright 1991-2003



28044221946

FEB. 20. 2004 2:18PM

DILWORTH PAXSON LLP

NO. 127 P. 11

EXHIBIT 3

28044221947

FOX
NEWS

POLITICS

YOU ARE HERE

POLITICS

POLITICS

POLITICS

POLITICS

Don't miss it.

Specter Defies Ranks and Expectations

Tuesday, January 19, 2004

By Kelley Beaucour Vinton

FOX NEWS

WASHINGTON — Arlen Specter (search) has fought off challenges to his Pennsylvania Senate seat for nearly 24 years, and despite claims by some opponents that this is definitely the year for change, recent polls and Specter's supporters suggest the four-term senator isn't going anywhere.

"There is a group of people — more so in Washington — who have never liked Sen. Specter and every year they come up with another reason why," said Chris Nicholas, Specter campaign spokesman.

"But he is Pennsylvania's only four-term senator and in 2004, and he will be their only fifth-term senator," Nicholas added.

Conservatives don't buy that Specter is guaranteed re-election — in fact, they smell vulnerability. Republican Rep. Pat Toomey (search) is mounting an aggressive, well-funded primary against Specter, and is using Specter's tendency to side with Senate Democrats on abortion, tax and tort issues to call for his ouster.

"He's never had a primary opponent who had the ability to run a credible race," Toomey told Foxnews.com. "The highest funded primary opponent raised a half-a-million dollars. I've already raised \$2.5 million and there's a lot more in the pipeline."

Specter has had little trouble fighting off Republican challengers since his first primary in 1980. According to the most recent poll by the Morning Call/Muhlenberg College Institute of Public Opinion, that streak is continuing. Specter leads Toomey 62 to 25 percent among registered Republican voters.

But Specter has had his fair share of tough challenges, barely surviving the 1982 election he won 49 percent to 46 percent. In that race, feminist groups targeted him for fiercely supporting the 1991 confirmation of conservative U.S. Supreme Court Justice Clarence Thomas (search).



Click image to enlarge

Related Stories

- [Bark to Bark Toomey in Pennsylvania GOP Primary](#)

Politics Home

Your World w/ Hall Cavuto
Wed. 1 am ET

Is cable forcing network TV to turn up the volume? Hall has the latest on how the FCC plans to deal with the sex and violence.

[FNC Schedule](#)

28044221948

While the left has attacked Specter for being too conservative on women's issues, the right now complains he's too liberal on those matters.

"He's the poster child for NOW (National Organization for Women) and NARAL (National Abortion and Reproductive Rights Action League)," said Connie Mackey of the Family Research Council (search).

Mackey added that Specter is beholden to liberal interests on abortion, stem cell research — of which he is a supporter — and other social issues that are likely to be debated by the courts.

Those issues — many likely to face future court action — are of grave concern to conservatives who not only remember Specter's vote against conservative judge Robert Bork (search), who lost his confirmation to the Supreme Court in 1987, but also fear he will be a liability as chairman of the Senate Judiciary Committee.

~~~~~

#### UCP

Powerful advocates for people with disabilities. You can help!  
[www.ucp.org](http://www.ucp.org)

#### Save Canada's Wilderness

Join the Canadian Parks and Wilderness Society.  
[cpaws.org](http://cpaws.org)

#### Humanitarian Aid

Providing medicine & supplies. Healthy people. Better world.  
[www.directrelief.org](http://www.directrelief.org)

Specter wins re-election and Republicans maintain the majority in the Senate, he is expected to take the seat

currently held by Sen. Orrin Hatch, whose term as chairman expires at the end of 2004.

Many conservatives say they expect no help from Specter on the ongoing Democratic filibuster of President Bush's judicial nominees or on a controversial constitutional amendment that would define marriage as a union only between a man and a woman.

"I think most of the family groups understand he has not been much of a friend," said Richard Leasner, executive director of the American Conservative Union (search), whose chairman David Keene nonetheless supports Specter.

Leasner pointed out that Specter has a lifetime average rating of 47 from the ACU — that's less than the 60-point rating the American Civil Liberties Union gave the senator in 2002. Keene has said he will support Specter because of Specter's role in the Thomas confirmation, his support for a flat tax and Keene's personal regard for him.

Supporters of the 73-year-old senator also note that the White House has publicly shown support for Specter's re-election as well as his expected judiciary chairmanship.

"If the White House has no problem with this, why should these conservatives?" asked Sarah Chamberlain Reenick, executive director of the Republican Mainstreet

28044221949



**AMERIQUEST**  
MORTGAGE COMPANY

Select a Loan

[americquest.com](http://americquest.com)



Partnership (search), a coalition of moderate GOP members of Congress. Ricketts said her group expects to put more than \$1 million — or as much as it takes — into defending Specter in 2004.

Sources on Capitol Hill say that several Republican members of the judiciary panel do not agree with Specter's more moderate approach, but they are unlikely to break ranks against him when the time comes to confirm him to the chairmanship.

One unnamed congressional aide predicted solidarity with Specter among Republicans on Capitol Hill.

"He's a team player and he works hard," said the aide. "And when he's on your side and he's on your team, he's a great asset."

But Steve Moore, president of the fiscally conservative Club for Growth (search), said his group is supporting Toomey, who has long been considered a fiscal conservative, and is putting more money behind him than any other race this year. The Club for Growth has already spent \$660,000 on pro-Toomey ads and plans to spend upwards of \$1.6 million before the April 27 primary.

"We view this as the most important political race outside of the presidential race," Moore said. "We've got a potential superstar in Pat Toomey, against one of the most liberal Republicans in the entire Congress."

Nicholas has accused Toomey, who has vowed to keep his three-term limits pledge regardless of the Senate primary outcome, of only recently adopting a strong pro-life, socially conservative stance for the benefit of distancing himself more sharply from Specter.

"He's been flip-flopping on his flip-flops," Nicholas said.

"They've been mischaracterizing my record from the beginning," Toomey responded. "It's always been consistently conservative across the board."

Specter's supporters say Pennsylvanians aren't looking for a senator like Toomey, and add that Specter has been able to secure millions of dollars for the state from special projects. He also carries a lot of clout for the state.

Stuart Rothenberg, editor of the Rothenberg Political Report (search), said he thinks Toomey is a "credible candidate," who benefits from the shifting away of the GOP power base from Specter's home district of Philadelphia to more rural areas like Toomey's district of Lehigh Valley. But, Toomey is still a long shot, Rothenberg said.

"With the money and political dice he has, and the appeal he has, he should get at least 40 percent," Rothenberg said. "I'm not hearing anyone who thinks Toomey is going to win."

[GO TO TOP](#) [BACK TO MAIN](#) [PRINT THIS ARTICLE](#) [EMAIL THIS ARTICLE](#) [SEARCH](#)

[GO TO TOP](#)

[GO TO TOP](#)



[FOX Alerts](#) | [News Ticker](#) | [Schedule](#) | [Rice](#) | [E-mail Shows](#) | [Upgrade Content](#)

[FOX News Shop](#) | [Find FOX in Your Area](#) | [Find FOX Abroad](#) | [FAQs](#)



Advertise on FOX News Channel, FOXNews.com and FOX News Radio

**EXHIBIT 4**

28044221951

# "The Supply - Side Club With Clout."

The American Spectator

February 12, 2004

Arten Specter and John Kerry: Two Liberal Pans in the Same Pod

Club for Growth Launches TV Ad Campaign Comparing Record of Two U.S. Senators

Washington, D.C.—The Club for Growth, one of the nation's leading free-market political advocacy organizations, has launched a new television ad campaign that shows the voting similarities of four-term Republican Senator Arten Specter of Pennsylvania and liberal Democrat John Kerry, the 2004 Democratic presidential nominee.

Showing still photos of Senator Kerry, the narrator says: "He voted for eight (8) huge tax hikes. He supports greedy trial lawyers instead of doctors on legal reform. He's blocked school choice education programs. And he's voted one of the Senate's most wasteful spenders. John Kerry? No. Arten Specter. Fact is, nearly 70% of the time, Specter and Kerry voted the same way. And that makes Arten Specter 100% too liberal."

"The people of Pennsylvania need to see how liberal Arten Specter truly is," said Club for Growth president Stephen Moore. "John Kerry is the model of modern-day liberalism and Specter appears to be his student. It is no surprise that National Review labeled Arten Specter 'the worst Republican Senator.'"

The television ad will begin running February 12, 2004 on select broadcast stations and on cable news channels nationwide. The Club for Growth has budgeted over \$150,000 for this phase of the ad campaign. The ad was produced by Warfield & Company.

Username

Password

☐ Save Password

» What They Are Saying  
About The Club

» Newsletter

» Past Projects

» RUMOR Watch

» Events

» Contact Us

» Staff And Directors

» Links of Interest

» Archives

» Print this page

» Home